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**UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF CALIFORNIA**

**FRANCISCO MEDINA,**

**Petitioner,**

**v.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**1:98-cr-005183 LJO**

**ORDER RE “MOTION FOR LEAVE  
TO PLEA COUNTERCLAIM FED. R.  
CIV. P. 13(e)”**

The Court has received and reviewed Petitioner’s filing entitled “Motion for Leave to Plea Counterclaim, Fed. R. Civ. P. 13(e).” Doc. 236 (filed August 10, 2015). The filing requests permission to “serve and file the Supplemental Answer and Counterclaim attached to this motion.” The Court did not received any attachments with the filing, however, so cannot even determine whether it has jurisdiction to act on Petitioner’s request. Moreover, the request, framed as one under Federal Rule of Civil Procedure 13(e), appears to be facially invalid, as this is a Criminal case to which the Federal Rules of Civil Procedure do not apply. Petitioner is reminded that his motion for sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) was denied on August 4, 2014. Doc. 230.

For the reasons set forth above, Petitioner’s request is DENIED.

IT IS SO ORDERED.

Dated: **August 12, 2015**

**/s/ Lawrence J. O’Neill**  
UNITED STATES DISTRICT JUDGE